

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
JENNIFER ECKHART,	:	
	:	Civil Case No.: 20-cv-05593 (RA)
Plaintiff,	:	
	:	
v.	:	AMENDED COMPLAINT
	:	
FOX NEWS NETWORK, LLC and ED	:	
HENRY, in his individual and professional	:	<u>Jury Trial Demanded</u>
capacities,	:	
	:	
Defendants.	:	
-----X	:	

**TRIGGER WARNING:
THIS DOCUMENT CONTAINS HIGHLY GRAPHIC INFORMATION OF A
SEXUAL NATURE, INCLUDING SEXUAL ASSAULT**

This action was originally brought by plaintiffs Jennifer Eckhart and Cathy Areu *via* the filing of the original complaint on July 20, 2020 (the “Original Complaint,” ECF Dkt. No. 1). The Original Complaint was amended on September 11, 2020 *via* the filing of an amended complaint (the “Amended Complaint,” ECF Dkt. No. 38). Pursuant to an Order of the Court, ECF Dkt. No. 75, severing Ms. Eckhart’s claims from Ms. Areu’s, Ms. Eckhart (“Plaintiff”) hereby refiles the Amended Complaint, solely on her own behalf, against Defendants Fox News Network, LLC (“Fox News”) and Ed Henry (“Mr. Henry”) (together, “Defendants”), and alleges as follows:

PRELIMINARY STATEMENT

1. It is widely documented in the public record that Fox News has not only cultivated and fostered an atmosphere rife with sexual harassment and misconduct, but also has

consistently accepted and rewarded that conduct. Nevertheless, Fox News would have the public believe that it is a different place from the Fox News that was run by former disgraced Chairman and CEO Roger Ailes. Unfortunately, it is actually worse.

2. As described in detail herein, Fox News continues to protect and reward perpetrators of sexual harassment and refuses to take accountability for putting such persons in positions of power from which they can subject women, and specifically Ms. Eckhart, to sexual misconduct, sexual assault and rape. Some of the names in leadership may have changed since Roger Ailes' regime, but Fox News' institutional apathy towards sexual misconduct has not.

3. Accordingly, Ms. Eckhart brings this action seeking injunctive, declaratory and monetary relief against Defendants in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"), federal sex trafficking laws, 18 U.S.C. § 1591, *et seq.*, the New York State Human Rights Law, N.Y. Exec. Law §§ 290, *et seq.* ("NYSHRL"), the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101, *et seq.* ("NYCHRL") and the Gender Motivated Violence Act, N.Y.C. Admin. Code §§ 8-901, *et seq.* ("GMVA").

ADMINISTRATIVE PREREQUISITES

4. Ms. Eckhart previously filed a Charge with the Equal Employment Opportunity Commission ("EEOC") alleging violations of Title VII. On September 15, 2020, Ms. Eckhart received her Notice of Right to Sue from the EEOC.

5. Any and all other prerequisites to the filing of this suit have been met.

JURISDICTION AND VENUE

6. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343, as this action asserts violations of Title VII and 18 U.S.C. § 1591, *et seq.*, and therefore raises federal

questions regarding the deprivation of Plaintiff's rights. The Court has supplemental jurisdiction over Plaintiff's related claims arising under state and city law pursuant to 28 U.S.C. § 1367(a).

7. Pursuant to 28 U.S.C. § 1391(b), venue is proper in this Court because a substantial part of the events or omissions giving rise to this action, including the unlawful employment practices alleged herein, occurred in this district.

PARTIES

8. Plaintiff Jennifer Eckhart is a former employee of Fox News and a resident of the State of New York. At all relevant times herein, Ms. Eckhart met the definition of an "employee" under all relevant statutes.

9. Defendant Fox News Network, LLC is a Delaware limited liability company with a principal place of business located in New York, New York. At all relevant times, Fox News was an "employer" within the meaning of all applicable statutes.

10. Defendant Ed Henry, upon information and belief, resides within the State of Maryland and is an aider and abettor under NYSHRL and NYCHRL.

FACTUAL ALLEGATIONS¹

I. MS. ECKHART JOINS FOX NEWS

11. On January 2, 2013, Ms. Eckhart began working at Fox News as a Freelance Administrative Assistant to Liz Claman, who anchors "Countdown to the Closing Bell" on the Fox Business Network.

¹ Ms. Eckhart hereby incorporates by reference the factual allegations contained in the Complaint in this action, as well as those contained in the Amended Complaint and the additional complaint filed by Cathy Areu filed at or around the same time that this complaint is being filed.

12. Ms. Eckhart expected that the job would entail assisting Ms. Claman with story ideas, managing Ms. Claman's appearances, making phone calls and assisting with scheduling, as well as other work-related administrative tasks.

13. Instead, Ms. Claman demanded that Ms. Eckhart perform a variety of humiliating tasks, including cleaning and organizing Ms. Claman's shoes, organizing and color coordinating Ms. Claman's dresses, cleaning Ms. Claman's office and refrigerator, getting Ms. Claman lunch and coffee, often times even having to pay with her own money, and even babysitting Ms. Claman's daughter outside of normal office hours.

14. Ms. Eckhart put her head down and performed these tasks without complaint, yet she was still further belittled and mistreated by Ms. Claman. By way of only one example, after Ms. Eckhart ordered Ms. Claman pizza for lunch one day, Ms. Claman reprimanded her over work email for ordering "the worst pizza [she] ha[s] ever had." When Ms. Eckhart apologized, Ms. Claman responded, in email, "NEVER AGAIN!" This was the first of many abusive emails Ms. Eckhart received during the course of her employment at Fox News.

15. By way of another example, Ms. Eckhart received an email from Ms. Claman reprimanding her for booking a particular guest that she claimed is "hated by D.C." Ms. Claman went on to excoriate Ms. Eckhart (and her team) stating, "You need to tell [fill-in anchor] this is not Varney or ['Mornings with Maria'] where we give people a pass or say things like 'the main stream media ignores blah blah blah.' ['Countdown to the Closing Bell'] is not Trump State TV."

16. This is just a few examples of Ms. Claman's frequent yelling and berating of her production staff over corporate email. On one documented occasion, Ms. Claman called another former producer of hers at Fox Business "a retard" while caught on a hot microphone on set.

17. In June 2013, Ms. Eckhart received a nominal promotion (without a pay raise) to Production Assistant.

18. Subsequently, Fox News promoted Ms. Eckhart twice, first to Booker and then to Associate Producer.

19. Ms. Eckhart performed a variety of roles during her more than seven years at Fox News including, *inter alia*: (i) producing “Countdown to the Closing Bell;” (ii) writing and producing interview segments with headline newsmakers such as Berkshire Hathaway CEO Warren Buffett, Tesla and SpaceX CEO Elon Musk and Microsoft co-founder Bill Gates; (iii) appearing as a frequent on-air guest on Tom Shillue’s Fox News Radio show, in addition to being a regular on-air personality featured on Fox Nation including Tom Shillue’s “The Quiz Show”; (iv) served as an on-air personality for a variety of other shows on Fox News (including “Your World with Neil Cavuto”); (v) producing live broadcasts from the floor of the New York Stock Exchange; (vi) producing CES live from Las Vegas; (vii) interviewing celebrities and high profile athletes on the red carpet for features published on Fox News’ and Fox Business’ websites.

II. MR. HENRY PREYS ON MS. ECKHART

20. At some point in 2014, Mr. Henry, who was, at the time, Fox News’ Chief Whitehouse Correspondent based out of Washington, D.C., began following Ms. Eckhart on Twitter when she was 24 years old.

21. Shortly thereafter, Mr. Henry – who was married at the time – sent Ms. Eckhart a Direct Message (“DM”) on Twitter that said only, “beautiful.”

22. Ms. Eckhart was naturally put off by Mr. Henry’s inappropriate message. But, given Mr. Henry’s stature at Fox News, and the fact that Ms. Eckhart was, at the time, a 24-year-

old recent graduate of journalism school who was just starting her career at Fox News, Ms. Eckhart felt compelled to respond. She made it clear, however, that she was not romantically interested in Mr. Henry by shifting the discussion to work. Specifically, Ms. Eckhart told Mr. Henry that she was a fan of his work and that it would be an honor to meet him one day.

23. Mr. Henry replied by stating that he just so happened to be at Fox News' New York offices that day, and that Ms. Eckhart could come to meet him in one of the green rooms prior to his on-air appearance.

24. Ms. Eckhart obliged, but when they met, she kept things strictly professional and in no way gave any indication that she was romantically interested in Mr. Henry. Mr. Henry then asked Ms. Eckhart if she wanted a picture with him. Ms. Eckhart agreed, and the two had their picture taken.

25. Nevertheless, later that day Mr. Henry sent Ms. Eckhart another DM in which he asked her to send him a copy of a picture that the two had taken together. Ms. Eckhart did so, and Mr. Henry gratuitously responded, "You are way more beautiful in person."

26. When Ms. Eckhart failed to reciprocate Mr. Henry's romantic overtures, he persisted, continuing to DM her and asked her to get drinks with him. While Ms. Eckhart was cordial, she made up an excuse so that she would not have to get drinks with Mr. Henry, who was making her uncomfortable. Mr. Henry, who was intent on pursuing Ms. Eckhart despite her rejections, wrote to her in an e-mail, "Yep. Hard to get."

27. From that moment on, Ms. Eckhart became a sexual target of Mr. Henry. Mr. Henry continued to send inappropriate, flirtatious and, at times, sexually graphic text messages to Ms. Eckhart. He also continued to ask her out for drinks. Ms. Eckhart, a young, early-in-career

journalist in fear of losing her job, felt pressured and compelled to respond and, to a degree, “play along” with Mr. Henry, an extremely powerful man at Fox News.

28. However, Ms. Eckhart continued to refuse to meet Mr. Henry for drinks. Undeterred, Mr. Henry continued to act inappropriately and continued to try to pressure Ms. Eckhart into having drinks with him. Finally, after several months of being worn down by Mr. Henry’s advances, Ms. Eckhart agreed to meet him for one drink.

29. Mr. Henry was in New York at the time and staying at the New York Marriott Marquis. The two met at the bar at the hotel for a drink.

30. Far from having any romantic interest in Mr. Henry, Ms. Eckhart actually compiled a list of career-related questions for the meeting, hoping that she could learn from Mr. Henry.

31. After the two had finished their drinks, Mr. Henry asked Ms. Eckhart to have another drink in his hotel room. Ms. Eckhart did not want to go, but was fearful of the repercussions of refusing Mr. Henry’s request.

32. As soon as the two got into the room, Mr. Henry, out of nowhere, began forcefully kissing Ms. Eckhart and ripped off her clothes. Ultimately, Ms. Eckhart, fearing that her career would be over if she refused Mr. Henry, relented and had sexual intercourse with him.

33. After having sex, Mr. Henry started telling Ms. Eckhart that he could help further her career and get her in the room with some “really powerful people.” The message was clear: Ms. Eckhart would either be (i) rewarded for succumbing to Mr. Henry’s sexual advances, or (ii) punished (*i.e.*, be fired from her job) if she failed to comply.

34. When she got home that evening, Ms. Eckhart, who was distraught at the prospect of having to sleep with Mr. Henry in order to keep her job, cried herself to sleep.

III. MR. HENRY SEXUALLY ASSAULTS MS. ECKHART

35. Ms. Eckhart managed to avoid Mr. Henry for a few months, but in September 2015, Mr. Henry was, once again, back in Fox News' New York offices.

36. Mr. Henry sent Ms. Eckhart a message on WhatsApp, an instant messaging application that Mr. Henry had previously told Ms. Eckhart to download and use when communicating with him. In that message, Mr. Henry demanded that Ms. Eckhart remove her underwear while at work at Fox News, and put them in an envelope for him. This, of course, was an extremely humiliating and disgusting request. But, in fear knowing that she would face retaliation if she refused to comply, Ms. Eckhart did so. Mr. Henry came to Ms. Eckhart's desk to retrieve the envelope.

37. Later that day, Mr. Henry demanded that Ms. Eckhart meet him in one of the Guest Offices on the 17th floor of the Fox News building.

38. When Ms. Eckhart arrived at the room, Mr. Henry was on the phone. Ms. Eckhart repeatedly indicated that she had to leave because a car was waiting for her outside to take her and Ms. Claman to the New York Stock Exchange for a live broadcast.

39. Rather than letting Ms. Eckhart leave, Mr. Henry got off of the phone and pinned Ms. Eckhart to the wall inside the Guest Office. He began subjecting her to forceful and unwanted kissing. He then quickly unzipped his pants, and physically used his hand to force Ms. Eckhart's head down to his penis. While forcefully moving Ms. Eckhart's head back and forth, Mr. Henry physically forced her to perform oral sex on him. After Mr. Henry came, Ms. Eckhart immediately ran out of the office in a state of shock, panic and fear.

40. Although Ms. Eckhart was able to avoid seeing Mr. Henry after the September 2015 sexual assault on office property, he continued to send her lewd and graphic sexual messages.

41. In one message to Ms. Eckhart he wrote, “I’d like to wipe you with my tongue.”

IV. FOX NEWS IS PUT ON NOTICE OF MR. HENRY’S SEXUAL MISCONDUCT

42. In May 2016, it was revealed by numerous media outlets that Mr. Henry had engaged in an affair with a Las Vegas stripper.

43. Mr. Henry was given a “slap on the wrist” by Fox News executives, and took a four month leave of absence, which included a trip to Capri, Italy. He returned to Fox News in August 2016, having suffered no repercussions for his conduct.

44. Mr. Henry’s return to Fox News directly coincided with Gretchen Carlson and other Fox News female employees coming forward with allegations of sexual harassment against then-CEO Roger Ailes. As a result, Fox News hired the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul Weiss”) to conduct an investigation into sexual harassment at Fox News.

45. During the Paul Weiss investigation, multiple women complained that Mr. Henry had subjected them to sexual harassment and/or unwanted sexual messages. Yet, upon information and belief, Fox News took no remedial action, and allowed Mr. Henry to continue working.

46. Not only did Fox News not reprimand Mr. Henry in light of the Paul Weiss investigative findings, but Mr. Henry was rewarded with a fill-in anchor position on “Fox & Friends Weekend.” Moreover, HarperCollins, an affiliate of Fox News, subsequently gave Mr. Henry a lucrative book deal.

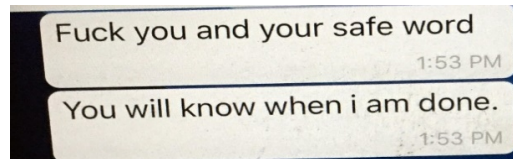
V. **MR. HENRY RAPES MS. ECKHART**

47. Meanwhile, upon his return to work, Mr. Henry began sending Ms. Eckhart lewd sexual messages again.

48. In the Fall of 2016, Mr. Henry sent Ms. Eckhart a link to a song entitled “Save a Horse, Ride a Cowboy.” Ms. Eckhart, confused, asked Mr. Henry if he was trying to tell her something. He responded, “That I want you to ride ME?” “Yesss” “I am telling you that!!”

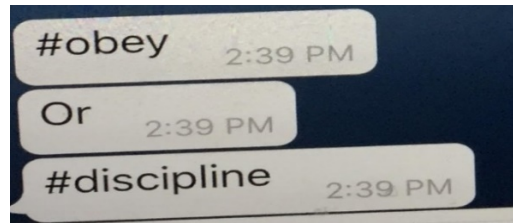
49. Mr. Henry’s messages began turning darker and violent, as he revealed an apparent obsession with Bondage/Discipline/Dominance/Submission (commonly referred to as BDSM) related sex practices.

50. On Valentine’s Day, 2017, Mr. Henry wrote to Ms. Eckhart, “Fuck you and your safe word. You will know when I’m done.”

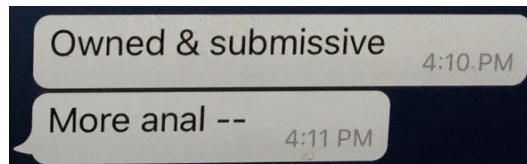


51. When Ms. Eckhart tried to end the conversation by saying that Mr. Henry needed to be nicer to her because it was Valentine’s Day, he responded, “Nah. Valentine my ass.” When Ms. Eckhart again attempted to end the conversation by sending two emojis to Mr. Henry, he responded violently, “Get on your knees again and I’ll give you your valentine.”

52. Not long thereafter, Mr. Henry asked Ms. Eckhart to meet in person. She told Mr. Henry in text messages that she had a date and was very busy. Mr. Henry proceeded to accuse Ms. Eckhart, again, of playing “Hard to get.” Ms. Eckhart, fearful that Mr. Henry was unhappy (and in fear of her safety and job), said that she always makes herself available to him. Mr. Henry responded, “#obey” “or” “#discipline.”



53. In another wildly inappropriate string of text messages, Mr. Henry wrote that “the more impaired [Ms. Eckhart was] the better.” He also wrote that he liked Ms. Eckhart “owned and submissive” and asked her for “more anal” sex (Ms. Eckhart did not at any time have anal sex with Mr. Henry).



54. At some point in 2017, Mr. Henry asked Ms. Eckhart to meet him for a drink at Fresco by Scotto, a New York City restaurant and frequent gathering place of Fox employees. Ms. Eckhart was afraid that if she, again, refused, Mr. Henry would retaliate – indeed, he explicitly told her that if she did not “obey” him, she would be “disciplined.” Ms. Eckhart knew that the restaurant would be busy, and that she would likely run into other Fox News colleagues there, as the restaurant is owned by a local Fox affiliate anchor in New York City. Therefore, she felt safe at that facility.

55. When she met Mr. Henry for the drink, he told her that Fox News was rewarding him with “his very own show.” This, of course, would make Mr. Henry even more powerful at Fox News. Accordingly, Ms. Eckhart was now even more intimidated, particularly since he had sent the message stating that she had better comply with his demands.

56. Mr. Henry invited Ms. Eckhart to take a walk and discuss her career at his hotel in midtown Manhattan, where Fox News frequently lodged its visiting employees, which was a short walk from Fresco by Scotto. Out of concern for her job, Ms. Eckhart complied.

57. Ms. Eckhart never could have imagined what would happen next.

58. The moment that Mr. Henry and Ms. Eckhart entered into his hotel room, Mr. Henry forced himself upon Ms. Eckhart, pinning her against a wall, and forcefully ripped off her clothing. Mr. Henry then immediately forced Ms. Eckhart's hands behind her back and applied metal handcuffs to Ms. Eckhart's wrists to restrain her.

59. Ms. Eckhart pleaded with Mr. Henry, telling him that the handcuffs were painful and hurting her wrists. Mr. Henry did not stop. Instead, he threw Ms. Eckhart onto the hotel bed naked, helpless and handcuffed.

60. Mr. Henry proceeded to take naked photographs of Ms. Eckhart on his iPhone while laughing. She again pleaded for him to stop, and demanded that Mr. Henry delete the naked photos he took of her without her consent. Mr. Henry simply laughed at Ms. Eckhart and did not delete the photos. Ms. Eckhart realized that Mr. Henry was taking these degrading photographs of her in order to blackmail her, and ensure that she never exposed his conduct.

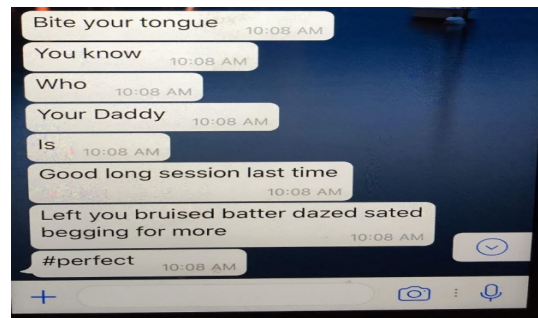
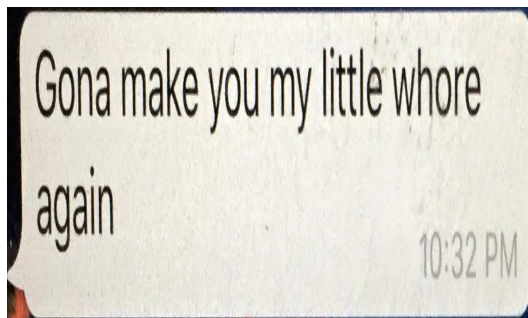
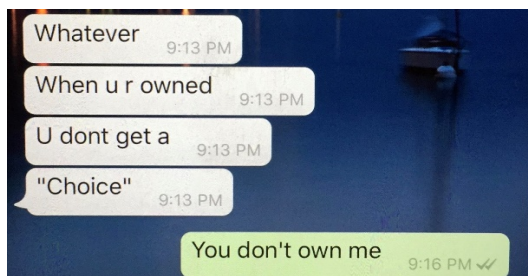
61. When Mr. Henry was done taking photographs, he proceeded to forcefully rape Ms. Eckhart while she was still restrained and helpless in handcuffs. While raping Ms. Eckhart, Mr. Henry performed sadistic acts on Ms. Eckhart, which included, among many other things, violently hitting her in the face multiple times.

62. Ms. Eckhart did not consent to any part of this violent, painful rape.

63. The day after this rape, Ms. Eckhart told Mr. Henry that he had physically injured her. Specifically, she told him in text messages that she had sore wrists (they were actually

bleeding), a mark on her buttocks, a broken nail and a bruise on her leg, among other injuries to her body.

64. Mr. Henry did not even attempt to hide the fact that he was violent with Ms. Eckhart, and sent her more WhatsApp messages that read, “You’ll cum back for more,” “Will let you know,” “If/when avail” “so you can get slapped around some more” and “Gona make you my little whore again.” He also wrote, “You know” “Who” “Your daddy” “Is[.]” “Good long session last time[.]” “Left you bruised[,] batter[ed][,] dazed.” Mr. Henry further admitted the sadistic and non-consensual nature of his actions when he wrote to Ms. Eckhart “When u r owned” “U don’t get a” “choice.”



VI. MR. HENRY CONTINUES TO HARASS AND RETALIATES AGAINST MS. ECKHART, AND FOX NEWS TERMINATES HER EMPLOYMENT

65. Following this incredibly violent rape, Ms. Eckhart made every possible effort to cease all communications with Mr. Henry.

66. Unfortunately, however, they continued to see each other in the halls of Fox News’ New York City offices.

67. When this happened, Ms. Eckhart refused to even come close to Mr. Henry and, in response, he continued to harass and retaliate against her for rejecting his continued advances.

68. By way of example, on October 5, 2018, Ms. Eckhart saw Mr. Henry approaching her at the Fox News offices. She immediately turned around and walked in the opposite direction. This angered Mr. Henry, who e-mailed her later that day saying, “Why’d you turn away today?” Ms. Eckhart never responded.

69. Less than three weeks later, Mr. Henry again attempted to engage with Ms. Eckhart by sending her a Twitter DM that said, “YO!” Ms. Eckhart, again, did not respond.

70. By way of another example at the offices of Fox News in New York, Ms. Eckhart, yet again, tried to ignore and even physically ran away from Mr. Henry to avoid having any interaction with him. Mr. Henry texted Ms. Eckhart an image of a football player doing “the Heisman pose,” implying she was trying to get away from him, which she was.

71. In December 2019, despite the fact that Fox News was well aware of Mr. Henry’s inappropriate sexual misconduct, it was announced that Mr. Henry was promoted to the position of co-anchor of the “America’s Newsroom” program.

72. On February 10, 2020, Ms. Eckhart complained to Denise Collins, the Senior Vice President of Human Resources at Fox News, as well as her supervisor, Brad Hirst, about the fact that she was experiencing a toxic work environment at Fox News.

73. Neither Ms. Collins nor Mr. Hirst ever followed up with Ms. Eckhart about her concerns in this regard, nor did either make any effort to investigate or remediate the toxic working environment.

74. Instead, on June 12, 2020, Fox News retaliated against Ms. Eckhart by informing her that her employment would be terminated effective June 26, 2020, after more than seven years of employment.

75. On June 25, 2020, prior to the effective date of her termination, Ms. Eckhart put Fox News on notice that she had retained legal counsel and intended to bring legal claims in relation to Mr. Henry's misconduct. Ms. Eckhart's counsel laid out all of the foregoing to Fox News' in-house attorney, as well as Fox News' outside investigator.

76. On July 1, 2020, Fox News terminated Mr. Henry, and purported to take credit for acting appropriately. Nothing could be further from the truth. Indeed, in Fox News' public announcement, it grossly mischaracterized Mr. Henry's behavior by whitewashing it as merely "sexual misconduct," rather than violent sexual assault.

77. Fox News did not terminate Mr. Henry for his misconduct – it terminated Mr. Henry because it realized it was on the precipice of a public relations nightmare.

78. While Mr. Henry, no doubt, should have been terminated for his conduct, Fox News never should have put him in a position to engage in this behavior to begin with. Fox News, including, upon information and belief, Fox News' Executive Vice President of Human Resources, Kevin Lord, as well as Fox News President and Executive Editor, Jay Wallace, and Fox Business Network President, Lauren Petterson, was on notice of Mr. Henry's sexual misconduct towards other women at Fox at least as early as 2017. Nevertheless, Fox News not only supported Mr. Henry, but also promoted him to a co-anchor position.

79. As a result, he held a position of power from which he felt emboldened to violently rape Ms. Eckhart.

80. Fox News also rewarded Mr. Henry with a new streaming show on Fox Nation called, 'Ed Henry's Front Row Seat.' Moreover, HarperCollins, an affiliate of Fox News, subsequently gave Mr. Henry yet another book deal.

81. To add insult to injury, Fox News did not even notify Ms. Eckhart of the fact that it would be terminating Mr. Henry after the findings of its internal investigation. Thus, she was left to learn of this decision from the media and Twitter. Fox News also sent an internal memo to thousands of its employees, including Ms. Eckhart's former colleagues at the network, about the decision to terminate Mr. Henry without consulting with or notifying Ms. Eckhart.

82. This conduct on the part of Fox News is abhorrent, and, of course, only served to greatly increase the trauma that Ms. Eckhart is experiencing as a result.

83. Fox News engaged in this retaliatory conduct because Ms. Eckhart engaged in protected activity by hiring counsel and putting Fox News on notice of her intent to bring legal claims.

FIRST CAUSE OF ACTION
(Sex Trafficking under 18 U.S.C. § 1591, *et seq.*)
Against Fox News and Ed Henry

84. Ms. Eckhart repeats and realleges by reference each and every allegation contained herein above and incorporates the same herein as though fully set forth herein.

85. Defendant Henry enticed women, including Ms. Eckhart, to attend meetings and social gatherings with him based on the fraudulent promise that he would aid their career development.

86. The opportunity to have a private meeting with Mr. Henry to discuss career development carries value because such opportunities can be career-making and therefore life-changing.

87. Mr. Henry enticed Plaintiff to his hotel room based on the false pretense that he would discuss and aid her career progression.

88. Mr. Henry enticed Plaintiff to his hotel room knowing that force or threats of force would be used to cause Ms. Eckhart to engage in a sex act.

89. Mr. Henry engaged in sexual acts with Plaintiff in his hotel room without her consent.

90. Mr. Henry and Fox News formed a venture as defined by 18 U.S.C. § 1591 given that they constituted a “group of two or more individuals associated in fact, whether or not a legal entity.”

91. Fox News benefited from participation in the venture because Fox News received value from Mr. Henry’s services and benefited financially from his continued employment.

92. Fox News knew that Mr. Henry engaged in a pattern and practice of sexual misconduct with women prior to the time that he raped Ms. Eckhart.

93. Fox News participated in Mr. Henry’s sexual misconduct by knowingly assisting and facilitating Mr. Henry with the resources and authority to engage in sexual misconduct and by helping to clean up after and cover up the sexual misconduct, including by failing to investigate claims of sexual misconduct and refusing to remediate or take action against Mr. Henry upon learning of Mr. Henry’s sexual misconduct.

94. Fox News also paid for Mr. Henry’s interstate travel and the premises where the sexual assault was committed.

95. Had Fox News terminated Mr. Henry upon learning of his sexual misconduct, it would have suffered financial harm, and Ms. Eckhart would not have been raped.

96. Fox News benefited from its involvement in the venture because it allowed Mr. Henry to continue to appear on Fox News and co-anchor shows, which resulted in Fox News continuing to make money.

97. As a direct and proximate result of Fox News' and Ed Henry's unlawful conduct as alleged hereinabove, Plaintiff has suffered physical injury, severe emotional distress, humiliation, embarrassment, mental and emotional distress and anxiety, economic harm and other consequential damages.

98. Plaintiff also seeks reasonable attorneys' fees as provided under 18 U.S. Code § 1595(a).

SECOND CAUSE OF ACTION
(Hostile Work Environment, Sexual Harassment and Gender
Discrimination under Title VII of the Civil Rights Act of 1964)
Against Fox News

99. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully within.

100. Defendant Fox News has discriminated against Plaintiff on the basis of her gender in violation to Title VII by subjecting her to disparate treatment based upon her gender, including, but not limited to, subjecting her to sexual harassment and assault and a hostile work environment. As a result, Plaintiff was denied the opportunity to work in an employment environment free of unlawful discrimination.

101. These actions are in direct violation of Title VII of the Civil Rights Act of 1964, as amended.

102. As a direct and proximate result of Defendant Fox News' unlawful discriminatory conduct in violation of Title VII, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of monetary damages and other relief.

103. As a direct and proximate result of Defendant Fox News' unlawful discriminatory conduct in violation of Title VII, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress for which she is entitled to an award of monetary damages and other relief.

104. Defendant Fox News' unlawful discriminatory and wrongful conduct constitutes a willful and wanton violation of Title VII, was outrageous and malicious, was intended to injure Plaintiff and was committed with conscious disregard of Plaintiff's civil rights, entitling Plaintiff to an award of punitive damages.

THIRD CAUSE OF ACTION
(Retaliation under Title VII of the Civil Rights Act of 1964)
Against Fox News

105. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

106. Defendant Fox News has retaliated against Plaintiff because she engaged in protected activity as defined by Title VII of the Civil Rights Act by, *inter alia*, terminating her employment and subjecting her to harassment and trauma.

107. As a direct and proximate result of Defendant Fox News' unlawful retaliatory conduct in violation of Title VII, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of monetary damages and other relief.

108. As a direct and proximate result of Defendant Fox News' unlawful retaliatory conduct in violation of Title VII, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress for which she is entitled to an award of monetary damages and other relief.

109. Defendant Fox News' unlawful discriminatory and wrongful conduct constitutes a willful and wanton violation of Title VII, was outrageous, malicious and cruel, was intended to injure Plaintiff and was committed with conscious disregard of Plaintiff's civil rights, entitling Plaintiff to an award of punitive damages.

FOURTH CAUSE OF ACTION
(Hostile Work Environment, Sexual Harassment and Gender
Discrimination under the NYSHRL)
Against Fox News and Ed Henry

110. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

111. Defendants have discriminated against Plaintiff on the basis of her gender in violation of the NYSHRL by subjecting Plaintiff to disparate treatment based upon her gender, including, but not limited to, subjecting her to sexual assault and/or harassment and a hostile work environment.

112. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of monetary damages and other relief.

113. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress for which she is entitled to an award of monetary damages and other relief.

114. Defendants' unlawful and discriminatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiff's rights under the NYSHRL for which Plaintiff is entitled to an award of punitive damages.

FIFTH CAUSE OF ACTION
(Retaliation under the NYSHRL)
Against Fox News and Ed Henry

115. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

116. Defendants have retaliated against Plaintiff because she engaged in protected activity as defined by the NYSHRL by, *inter alia*, terminating her employment and subjecting her to post-termination harassment and trauma.

117. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of monetary damages and other relief.

118. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress for which she is entitled to an award of monetary damages and other relief.

119. Defendants' unlawful and retaliatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiff's rights under the NYSHRL for which Plaintiff is entitled to an award of punitive damages.

SIXTH CAUSE OF ACTION
(Aiding and Abetting in Violation of the NYSHRL)
Against Defendant Ed Henry

120. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

121. Defendant Henry knowingly and maliciously aided and abetted the employment practices, discrimination and retaliation, as described herein, committed against Plaintiff in violation of the NYSHRL.

122. As a direct and proximate result, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of monetary damages and other relief.

123. As a direct and proximate result, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress for which she is entitled to an award of monetary damages and other relief.

124. Defendant Henry's unlawful and retaliatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiff's rights under the NYSHRL for which Plaintiff is entitled to an award of punitive damages.

SEVENTH CAUSE OF ACTION
(Hostile Work Environment, Sexual Harassment and Gender
Discrimination under the NYCHRL)
Against Fox News and Ed Henry

125. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

126. Defendants have discriminated against Plaintiff on the basis of her gender in violation of the NYCHRL by subjecting Plaintiff to disparate treatment based upon her gender, including, but not limited to, subjecting her to sexual assault and/or harassment and a hostile work environment.

127. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of monetary damages and other relief.

128. As a direct and proximate result of Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress for which she is entitled to an award of monetary damages and other relief.

129. Defendants' unlawful and discriminatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiff's rights under the NYCHRL for which Plaintiff is entitled to an award of punitive damages.

EIGHTH CAUSE OF ACTION
(Retaliation under the NYCHRL)
Against Fox News and Ed Henry

130. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

131. Defendants have retaliated against Plaintiff because she engaged in protected activity as defined by the NYCHRL by, *inter alia*, terminating her employment and subjecting her to post-termination harassment and trauma.

132. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of monetary damages and other relief.

133. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the NYCHRL, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress for which she is entitled to an award of monetary damages and other relief.

134. Defendants' unlawful and retaliatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiff's rights under the NYCHRL for which Plaintiff is entitled to an award of punitive damages.

NINTH CAUSE OF ACTION
(Aiding and Abetting in Violation of the NYCHRL)
Against Defendant Ed Henry

135. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

136. Defendant Henry knowingly and maliciously aided and abetted the employment practices, discrimination and retaliation, as described herein, committed against Plaintiff in violation of the NYSHRL.

137. As a direct and proximate result, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of monetary damages and other relief.

138. As a direct and proximate result, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress for which she is entitled to an award of monetary damages and other relief.

139. Defendant Henry's unlawful and retaliatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiff's rights under the NYSHRL for which Plaintiff is entitled to an award of punitive damages.

TENTH CAUSE OF ACTION
(Gender-Motivated Violence Pursuant to N.Y.C. Admin. Code)
Against Defendant Ed Henry

140. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

141. The above-described conduct of Mr. Henry, including, but not limited to, Mr. Henry's sexual assaults and rape of Plaintiff Eckhart, constitutes a "crime of violence" and a "crime of violence motivated by gender" against Plaintiff as defined by the New York City Gender Motivated Violence Act, N.Y.C. Admin. Code § 8-903 (2017), ("GMVA").

142. The above-described conduct of Mr. Henry, including, but not limited to, Mr. Henry's sexual assaults and rape of Plaintiff, constitutes a "crime of violence" against Plaintiff motivated: (i) by her gender; (ii) on the basis of her gender; and/or (iii) due, at least in part, to an animus based on her gender.

143. Mr. Henry committed a "crime of violence" against Plaintiff because she is a woman and, at least in part, because he has an animus towards women. Mr. Henry's gender-motivated animus towards women is demonstrated by, among other things, his sexually violent treatment of women.

144. As a direct and proximate result of the aforementioned gender-motivated violence, Plaintiff has sustained in the past and will continue to sustain, monetary damages, physical injury, pain and suffering, and serious psychological and emotional distress, entitling her to an award of compensatory damages.

145. Mr. Henry's gender-motivated violence against Plaintiff entitles her to punitive damages and an award of attorneys' fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment in her favor and against Defendants, containing the following relief:

A. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein violate the laws of the United States, the State of New York and the City of New York;

B. An injunction and order permanently restraining Defendants and their partners, officers, owners, agents, successors, employees and/or representatives, and any and all persons acting in concert with them, from engaging in any such further unlawful conduct, including the policies and practices complained of herein;

C. An award of damages against Defendants, or any jointly or severally liable entity or person, in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic damages, including, but not limited to, loss of past and future income, wages, compensation, seniority, and other benefits of employment;

D. An award of damages against Defendants, or any jointly or severally liable entity or person, in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all non-monetary and/or compensatory damages, including, but not limited to, compensation for her emotional distress;

E. An award of damages for any and all other monetary and/or non-monetary losses suffered by Plaintiff, including, but not limited to, loss of income, earned bonus pay, reputational harm and harm to professional reputation, in an amount to be determined at trial, plus prejudgment interest;

F. An award of punitive damages, and any applicable penalties and/or liquidated damages in an amount to be determined at trial;

G. Prejudgment interest on all amounts due;

H. An award of costs that Plaintiff has incurred in this action, including, but not limited to, expert witness fees, as well as Plaintiff's reasonable attorneys' fees and costs to the fullest extent permitted by law; and

I. Such other and further relief as the Court may deem just and proper.

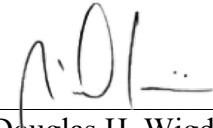
JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: October 9, 2020
New York, New York

Respectfully submitted,

WIGDOR LLP

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